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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/700,116	11/13/2000	Atanas Vissilev Manov	OOP172:RC:LG	2631

7590  
Young & Thompson  
Second Floor  
745 South 23rd Street  
Arlington, VA 22202

11/14/2003

EXAMINER
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PIERCE, WILLIAM M

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 11/14/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/700,116

Applicant(s)

MANOV, ATANAS VISSILEV

Examiner

William M Pierce

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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**DETAILED ACTION**

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schorr '810 in view of Griffiths as set forth in the previous office action and below in response to appellants arguments.

***Response to Arguments***

Applicant's arguments filed 7/28/03 have been fully considered but they are not persuasive.

The argument advanced by appellant that Griffiths teaches away from Schorr is not well founded. Where the former shows that it is known to use side wagers in conventional play of blackjack, the latter shows a game that is based on the modification of conventional blackjack games like that shown in Griffiths. Griffiths himself clearly states that his invention is "applicable to any game in which the dealer has to achieve a certain numerical count". (col. 4, ln. 59). Clearly the teachings of both applied references taken in combination fairly teach what is known in blackjack "type" games in general and would have been considered by a game designer at the time that the instant invention was made. More importantly, Griffiths teaches what is known to side wagers as they related to blackjack type games in general. Throughout the art of wagering games side wagers have been applied to games notoriously in order to further enhance interest to an old game. This being known to one skilled in the art, the mere addition of a side wager based upon some predetermined event occurring in a game does not present a nonobvious advance in the art absent any unexpected results or particular problem solved. Currently, the side wagers applied in the instant invention function as they would be expected to by one skilled in the art and they do not solve any problem that is known to the old game. In short, the mere addition of a side wager to an old and known game does not render a game new and nonobvious.

Appellant's next argument is based upon the type of conditions designed into the side bet. He claims that Griffiths "21 and over" side bet is not the same as his "single value". However, from a broad interpretation of the language of his claim 1, which requires the side wager conditions to be "designated for a single-value prenominated paramount winning combination of cards", these limitations are in fact met by Griffiths. In Griffiths, a player achieving a "single-value" of 21 which is a winning combination prevails on his side wager. More importantly, a game designer knows that the possibilities of conditions upon which a side wager can be based is endless. It is not the conditions to be met designed into the side bet that render it new and nonobvious, it is the results or the problem solved by the side bet. In the instant case, the sided bet here applied to an old game such as that shown by Schorr functions as expected and adds nothing to the game of Schorr.

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To the extent, that appellant argues that bets being "placed before the dealer commences dealing" is new, the examiner cannot agree. Griffiths shows that such a method of applying side wagers is old by making "a separate bet at the beginning of the game" (col. 2, ln. 30).

From the above discussion, the examiner has not been able to determine any new and non-obvious subject matter. The addition of a side bet to an old game does not render the game new. Further the side wager must do more than present conditions wagered upon that are not defined in the prior art since such are known to be endless by design. The standard of non-obviousness taken by the examiner is that the conditions to resolve the wager must solve some particular problem or produce an unexpected result. Currently, there is no evidence of record of such occurring in the instant invention and the grounds of rejection stands as set forth above.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication and its merits should be directed to William Pierce at E-mail address [bill.pierce@USPTO.gov](mailto:bill.pierce@USPTO.gov) or at telephone number (703) 308-3551.

Any inquiry not concerning the merits of the case such as **missing papers, copies, status or information** should be directed to Tech Center 3700 Customer Service Center at (703) 306-5648 where the fax number is (703) 308-7957 and the email is [Customerservice3700@uspto.gov](mailto:Customerservice3700@uspto.gov).

For **official fax** communications to be officially entered in the application the fax number is (703) 872-9306.

For **informal fax** communications the fax number is (703) 308-7769.

Any inquiry of a general nature or relating to the **status** of this application or proceeding can also be directed to the receptionist whose telephone number is (703) 308-1148.

Any inquiry concerning the **drawings** should be directed to the Drafting Division whose telephone

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number is (703) 305-8335.

WILLIAM M. PIERCE  
PRIMARY EXAMINER